Revd 11-12-24—2,500—30-1-25.

Revenue (1922) Department.

Ordinary SERIES.

G.O. No. 1973

DATED 15-8-22

[Despatch Abstract.]

Magistrate--Courts--Benches--South Kanara--Uppinangadi & Kumbla Abolished and the powers of the special Magistrate withdrawn

LAW (GENERAL) **DEPARTMENT.**

Received _____ 192 . *Registered* _____ 192 .

Bench Courts at Uppinangady and Kumbla - Abolition - Recommended.

G 2675 D
17-7-22
18

ENCLOSURES.
No. Nil
Spare copies

Ref. No. 810 -M-1922.

Station Mangalore, *dated the* 14th July 1922.

From (*Name*) M.R.Ry. A. Ramacha Nedungadi, Avl., B.A., B.L.,

(*Designation*) District Magistrate of South Kanara.

To The Secretary to the Government of Madras,
LAW (GENERAL) DEPARTMENT.

Sir,

The Bench Courts at Uppinangady and Kumbla sanctioned in G.O.Nos. 3213, Judicial, dated 21st December 1915 and --- 799, Judicial, dated 4th April 1918, respectively, are quite unnecessary now as Panchayat Courts have been formed in these two towns, and as under G.O.No. 1441, Law (General), dated - 8th June 1922, Panchayat Courts have been empowered to try - all offences specified in clauses (a) to (d) of Section 76(1 of the Madras Village Courts Act, as also offences under --- Section 23(2) and 42 of the Madras Village Panchayat Act, -- 1920. I therefore beg to recommend that the Bench Courts - at Uppinangady and Kumbla may be abolished and the powers of the existing undermentioned Special Magistrates -------

withdrawn.

Uppinangady.

1.	M.R.Ry. Uppinangady Sarvothuma Bhat, Avl.	(O)
2.	" Purushothama Bhat, Avl.	Appointed in G.O.No. R. 5 Law (General), dated 5th April - 1921.
3.	" Ilantila Subba Naika, Avl.	
4.	" Adekal Ramanna Rai, Avl.	
5.	Mahada Abdulrahiman Saheb Bahadur ...	(J) G.O.No.380 Judicial, dated 25th April 1919.

Kumbla.

1.	M.R.Ry. Kumbla Narasimha Naik, Avl.	
2.	" Venkappa Punja, Avl.	
3.	" Devappa Vaman Shenoy, Avl.	(H) Appointed in G.O.No.
4.	" Chickappa Bhandary, Avl.	799 Home (Judicial),
5.	" Padmanabha Irnuraya, Avl.	dated 4th April 1918.
6.	Mogral Mammade Beari Saheb Bahadur.	
7.	Mogral M. K. Mammad Saheb Bahadur.	

District Magistrate.

Law (Genl.) - Dept.

Subject: Bench Courts - Uppinangady & Kumbla abolition

[Cao 2675 B] Form No. 24 South Kanara Rep. 20.8.10. M 22. dt. 16.7.22

W.B.

The D.M South Kanara proposes the abolition of the Bench Courts at Uppinangady and Kumbla, as by G.O No 1441 Law (Genl) dt the 8th June '22, the Village Panchayat Courts at those places have been empowered to try all the offences specified in clauses (a) to (d) of Subsection (1) of Section 76 of the Madras Village Courts Act and also offences coming under Sections 23 (2) and 42 of the Madras Village Panchayat Act, 1920. The offences triable by any Bench Court are those that are enumerated in the Rules annexed to G.O. 1822 Home dt the 13th August 1919. Form an examination of the field of offences that are triable by the Village Panchayat Courts and Bench Courts it will appear that the only offences that are triable in Common by these two Courts are those coming under Sections 277, 290, 323, 334, 352 and 426 I.P.C. The Bench Courts can in addition try offences coming under Sections 278, 279, 285, 286, 289, 336, 341 & 447 I.P.C; the offences under the Municipal Acts and the

conservancy clauses of the Police Act, and certain offences under the Madras Local Boards Act, Registration of Births and Deaths Act, Madras Towns Nuisances Act sections 5, 6 & 7 and the Madras Hackney Carriage Act. The offences ~~which~~ triable by the Village Panchayat Courts are those coming under Sections 160, 283, 338, 504, 510, 379 I.P.C., the offences punishable under Section 3, clauses (9), 11 & 12 of the Towns Nuisances Act, and also the offences under Section 23 (2) & 42 of the Madras Village Panchayat Courts Act 20. It will thus appear that except for a few offences coming under certain Sections of the I.P.C. enumerated above the fields of offences that are triable by these two kinds of Courts are different and yet the D.M. says that the Bench Courts are quite unnecessary as the Panchayat Courts have been given criminal powers. The policy of the Govt. is to abolish Bench Courts but to create them wherever local conditions permit and suitable men are available. The Bench Court at Tuticorin has been in existence from December '15 and the Court at Kumbakonam from April '18. Under the circumstances it does not appear to be advisable to accept the D.M's proposal. For orders.

× subject to a limit of Rs 10 in value and to absence of previous conviction

and a Bench Court has larger powers than a P.C. which can impose as its limit only a penalty of Rs 15 fine.

If the proposal is to be approved, all that would be necessary is to withdraw the powers of the existing Special Magistrates. When the powers of all the existing Special Magistrates are withdrawn the Bench will automatically cease to be operative.

PCK 31/7/22

CA 1/8/22

1-8-22

For remarks to Dr Maple S Kanara (acg) 3/8/22

Govt 220 Law & Jud. 27-4-21
Memo 223 B-2 2-4-21

Law & Jud No 2675 B-1 3/8/22

Re-submitted

There two are useless Bench Courts and there are no complainants to manage them as the places are almost uninhabited ones. They have disposed only very few cases during the last 3 years as will be seen from the figures given in the margin and all under Sec 3 of the Town Improvements Act III of 1889. The Panchayat Courts are quite enough for these two places.

Appointed 1919 7 cases 11 " 16 " Nil

Kumbla 1919 11 cases 1920 2 " 1921 Nil

Should occasion arise at any future time for Panchayat Courts becoming more extended powers they can be allowed to do it by the

4/

Governor-in-Council under s. 76 [illegible] put up.

(c) [illegible] Magistrates Courts Act 1971 as amended up to 1st June 81.

[illegible] Law (Civil) Dept.

W8

In the circumstances stated by the D.M in his note above it is submitted that there appears to be no necessity for retaining these two Bench Courts. A draft order withdrawing the Magisterial powers of the honorary magistrates is submitted for consideration.

[illegible]

[illegible]

Mis

Order—R. No. 1973, dated 15-8-192 2.

~~The Governor in Council is pleased to appoint~~

the undermentioned gentlemen

to be a Special Magistrate / Special Magistrates

for the area comprised within the jurisdiction of the Bench of Magistrates at in the district of towns specified opposite to their names with the powers and subject to the terms and conditions specified in Notification No. 737, dated the 13th August 1919, published at pages 1040 and 1041 of Part I of the *Fort St. George Gazette* of the 26th idem as amended by Notification No. 909, dated the 23rd October 1919, published at page 1242 of Part I of the *Fort St. George Gazette*, dated the 28th October 1919.

Under the provisions of section 41 of the Code of Criminal Procedure, 1898, the Governor in Council withdraws the powers of a Special Magistrate for the area comprised within the jurisdiction of the Bench of Magistrates at the places specified against their names in the district of South Kanara, conferred on

the undermentioned gentlemen as the Benches will cease to sit.

Uppinangadi:
- M.R.Rs Uppinangadi Sarvottama Bhatt Avl.
- " Uppinangadi Purushottama Bhatt avl.
- " Hantika Subba Naika Avl
- " Adekal Ramanna Rai Avl
- Mahmada Podia alias Abdul Rahiman Beari Sahib Bahadur

Kumbla:
- M.R.Rs. Kumbla Narasimha Nayak Avl.
- " Venkappa Punja Avl.
- " Devappa Vaman Shenoy Avl
- " Chikkappa Bhandary Avl (Executive act.)
- " Padmanabha Srinivasa Avl
- Mogral Hammade Beari Sahib Bahadur
- Mogral M.K. Hammad Potail Sahib Bahadur

10/8/22

Secre

To the District Magistrate of South Kanara (900) 12/8

Gazette. S.G.P for publication & Extract sent to Gazette.

11/8/22.

JUDICIAL DEPARTMENT.

C.F. No 305 T—7,613—20-4-21

Received -2- *Registered* 192

Application for the Appointment of a Bench Magistrate for the town of in the district of

Name of town.	Name of the nominee in full.	His qualifications.*	(1) Cause of vacancy or vacancies. (2) Name of existing incumbent, if any, and whether or not withdrawal of his powers is necessary.	Number and date of the notification appointing him.	Remarks.
1	2	3	4	5	6

Station *Dated* *No.*

(Signature)

District Magistrate of

* In column 3 particulars as to the nominee's position in life, etc., and information as to whether he is a municipal council or or not should be given. If he is a municipal council or it should be stated how many municipal councillors there are on the bench and what the strength of the bench is.

† In column 6 it should be stated whether the nominee's consent has been obtained.